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- All My Domains
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- Investor's Edge
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- Pending Account Changes
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- Domain Buy
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Upgrade

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Renew

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Nameservers

Account Change

Cancel Selected

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10 Domains (0 Selected) [Refresh List](#)

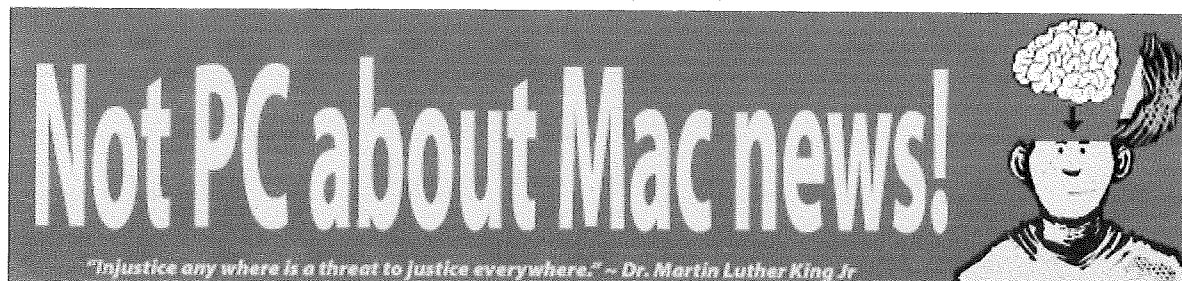
<input checked="" type="checkbox"/> Domain Name	Expires	Status	Extras
<input type="checkbox"/> ADZOOX.COM	3/7/2008 Renew Now	Active - Locked	Upgrade Domain Add CashParking
<input type="checkbox"/> CONCEPTEDUCATION.COM	2/25/2008 Renew Now	Active - Locked	Upgrade Domain Add CashParking
<input type="checkbox"/> FIXYOURTHINKING.COM	12/29/2007 Renew Now	Active - Locked	Upgrade Domain Add CashParking
<input type="checkbox"/> JACKWHISPERS.COM	8/2/2009 Renew Now	Active - Locked	Upgrade Domain Add CashParking
<input type="checkbox"/> KINGKONGWRONG.COM	6/7/2007 Renew Now	Active - Locked	Upgrade Domain Add CashParking
<input type="checkbox"/> MACLIT.COM	2/25/2008 Renew Now	Active - Locked	Upgrade Domain Add CashParking
<input type="checkbox"/> MACSOSO.COM	2/25/2008 Renew Now	Active - Locked	Upgrade Domain Add CashParking
<input type="checkbox"/> PPPLE.COM	7/11/2008 Renew Now	Active - Locked	Upgrade Domain Add CashParking
<input type="checkbox"/> THINKTHREE.COM	9/26/2007 Renew Now	Active - Locked	Upgrade Domain Add CashParking
<input type="checkbox"/> WHITEOVERNITEONLINE.COM	5/25/2007 Renew Now	Active - Locked	Upgrade Domain Add CashParking

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THURSDAY, MAY 03, 2007

I'm that Smith!

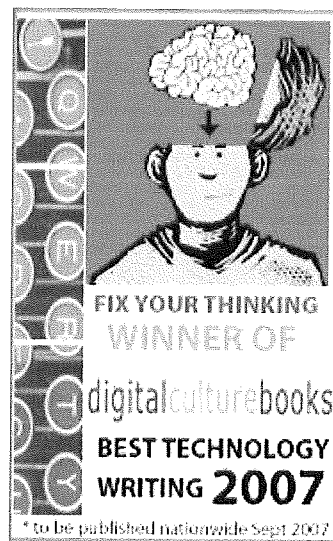
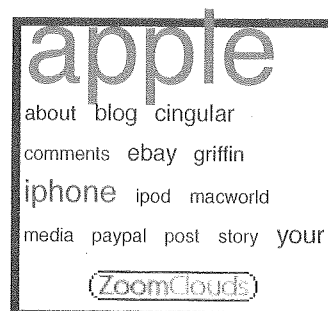
Hey ... that Smith is me.

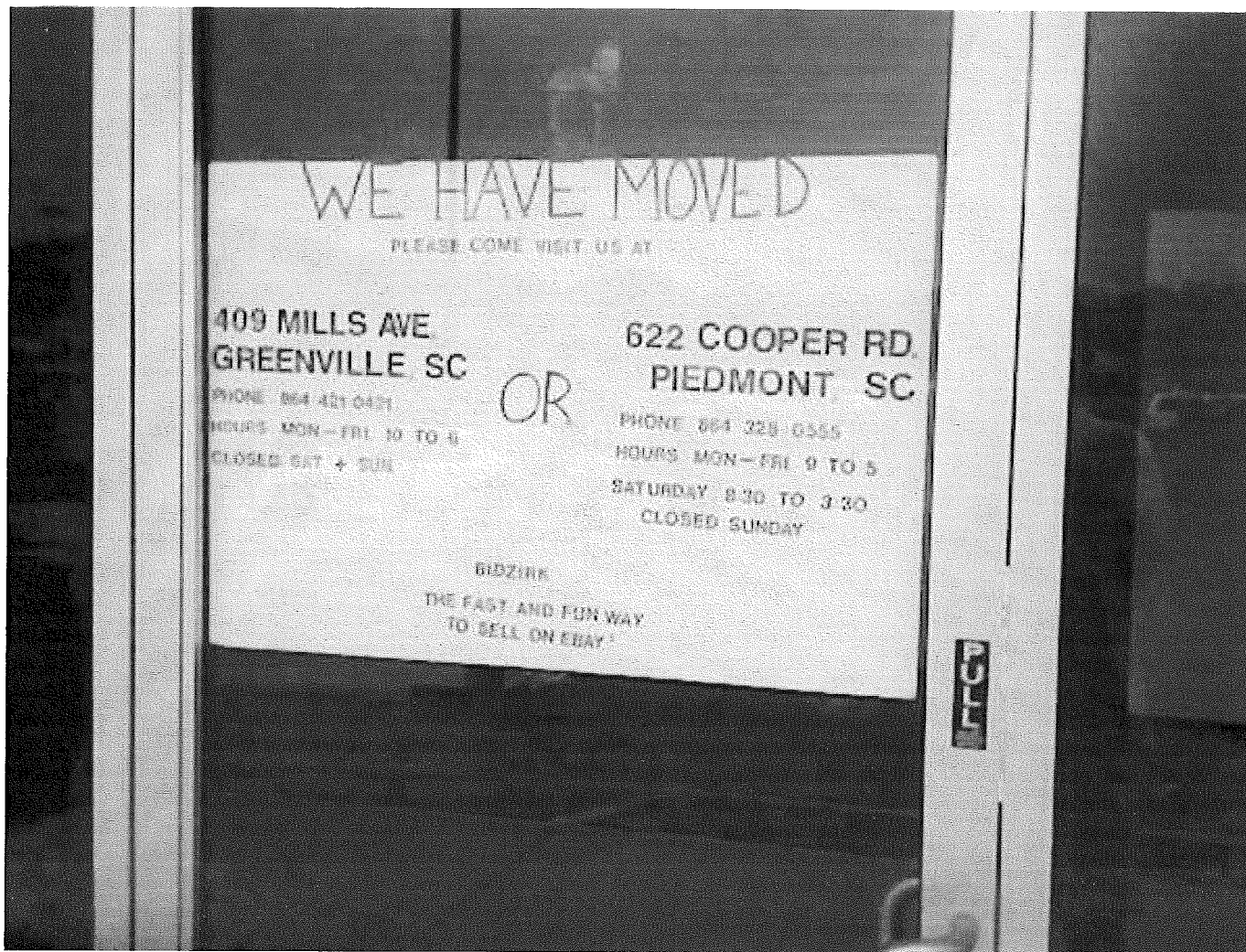
From Evan Brown's INTERNETCASES.COM:

Denial of injunction against blogger affirmed

In late 2005, a blogger named Smith posted an entry in which he was critical of an eBay listing company he'd had dealings with. In the post, Smith used the listing company's logo several times. The company sued in federal court, alleging, among other things, trademark dilution. The trial court denied a motion for preliminary injunction against Smith, holding that the way in which he'd used the mark was merely for news reporting and commentary, and thus not actionable under trademark law. [Read Eric Goldman's summary of the lower court proceedings here.]

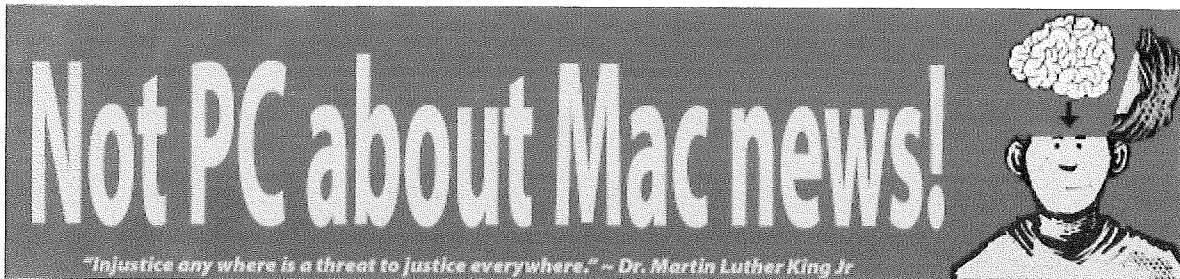
On March 6, the Fourth Circuit affirmed the lower court's denial of the preliminary injunction. With little substantive analysis other than to recite the factors appropriate for a court to consider in granting injunctive relief, the court held that the trial court did not abuse its discretion. So in this case, the





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I Sold It

Browse a huge selection now. Find exactly what you want today.

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TUESDAY, OCTOBER 24, 2006

I Used I-SoldIt, but they Bought It



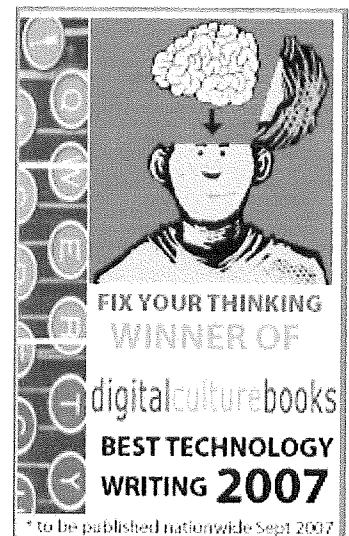
As frequent readers know, in January of 2006 I published a four part series on [eBay dropoffs](#) - based on a personal experience with a local eBay Dropoff.

Well, in April of 2006, my best friend won an auction from another local eBay dropoff called I-SoldIt of Greenville South Carolina.

eBay ID: [isoldit.sc0140](#)

In order to save a little bit of money, my best friend contacted the owner of the dropoff to see if he could get local pickup. His email reply was very stern and stated that iSoldIt had a local pickup fee.

Contact/Site History/FAQ



Through a bit of patient email back and forth my friend tried to understand the reasoning for the local pickup charge of \$7 which was roughly 6% of the value of the item. (Note our local tax rate is 5% - don't you sometimes buy online to avoid sales tax?)

My best friend called me and told me about the situation. The pickup fee was mentioned (read as buried deeply) in the auction. It was not mentioned by exact price, just mentioned that there is a local pickup fee.

I told him that although ridiculous, because it was mentioned in the auction he would have to pay it and pick it up. I offered to go with him as a witness. We went to the store. It was very nice on the inside with a nice counter. The owner was up front and didn't really offer a "hello" or "welcome" - simply, "Can I help you?" (in a not so welcoming tone)

My friend explained that he was there to pick up an auction winning for an LCD he had won. The owner (a female) instantly sighed with an exaggerated high-low shoulder ... kind of like saying *"Oh it's you - Mr. Question our policies and fees boy!"*

Before she goes to find the item my friend asks once again.

"Can you explain the charge of \$7 for the pickup?"

She can't explain anything beyond, *"It's our fee, it's our policy."*

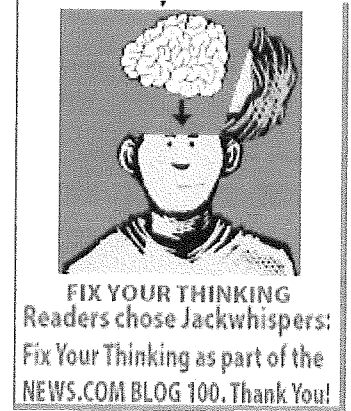
But then she added, *"Do you want the item or not?"*

At that point I piped up and said, *"You don't have to be offended, we sell on eBay too and just want to know why you charge the fee you do?"*

With kind of an evil eye she said, *"It requires a special handling and storage fee."*

Ok, fair enough.

She looks up the auction in her computer and wanders aimlessly throughout the 5 sides of her store looking for it. She comes



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Reference:

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[The Top 100 Movies Of All Time](#)

[Recording Phone Calls Laws State By State](#)

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throughout the 5 isles of gorilla rack storage looking for it. She comes back to the computer twice looking for the item number and I suppose the item name and description. While she's near the back, I point out to my best friend that there is a Golden Retriever and giant cage sitting in the middle of one of the isles. In a few places where the counter was black, you could see dog hair.

Finally, the owner brings my friend's item to the front - a flat LCD computer monitor. It was sitting half way out of the box, seemingly just thrown in. She sets a piece of styrofoam on the counter and says, "this goes with it".

So much for *special handling and the storage fee!*

I, against better judgement, said something to that affect mumbled under my breath.

She piped up and said, "Look, you guys came in here and tried to gang up on me, questioning everything, you've got your item."

I told my friend to just pay and let's get out.

He paid.

Well obviously my friend wasn't pleased, nor was I. We discussed this thoroughly. Knowing that eBay Dropoff franchises are failing left and right, we couldn't understand how such an experience would be possible.

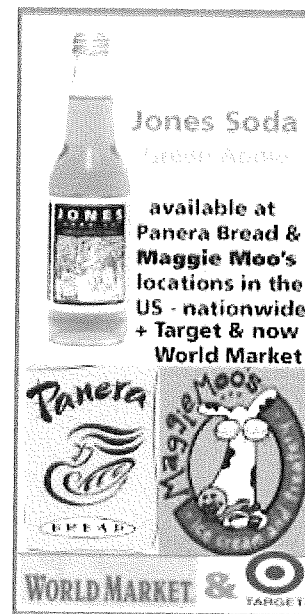
We talked about leaving negative feedback, but noticed that iSoldIt retaliated to every negative given to them. My friend at the time had 100% positive feedback. Maintaining that perfect record is a matter of pride and honor in my opinion. I told him to wait until the 90th day past the transaction and post the negative ... and just maybe it will have been kicked out of the eBay system.

Here is the comment he posted:

- Very very bad experience; seller rude and unprofessional, HIGH local pickup fee

Follow-up by [buyer]: Owner keeps DOG in store, item was by dog cage, not packed--I paid \$7 for this??

He crossed his fingers, hoping that the transaction would expire. A few days passed. Then a week. Then exactly a week later he gets



Click To Buy
Be Delicious
Apple Cologne



7-11% BETTER GAS MILEAGE
BUY ZMAX
CLICK PIC

this negative comment posted to his feedback:

- If you would like this removed. Please contact the store.
isoldit 8646759600

So, not a negative ...an extortion. In other words, you carried out your end and did everything right. You posted negative though, so we posted negative.

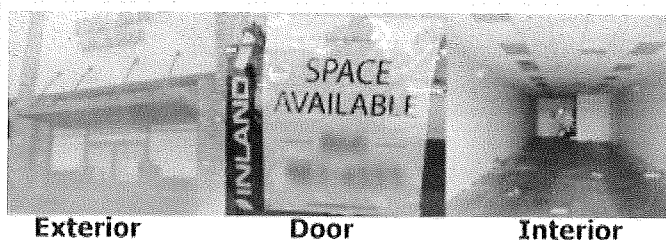
Feedback on eBay is suppose to be relevant, factual, and most of all honest. This comment was none of the three.

I-SoldIt clearly knew that my friend had 100% positive feedback! So, they purposely retaliated to ruin my friend's feedback!

As a 9 year eBay seller - I know that receiving a negative can damage your sales for weeks! Shame on ISoldIt!

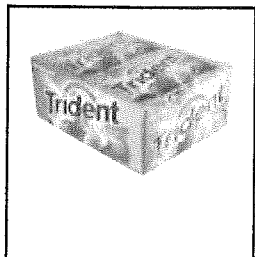
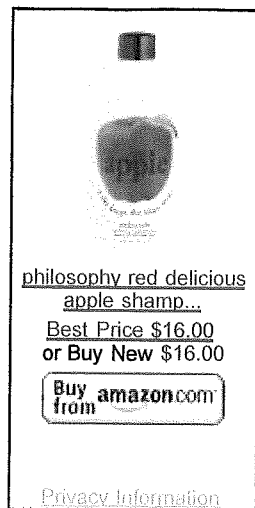
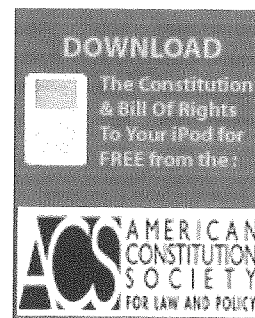
We quipped to each other over the next few weeks .. that we gave them less than a year to stay in business.

There have been some interesting developments in the last few weeks ...



iSoldIt is a national eBay listing / eBay dropoff franchise.

Our local franchise opened in March of 2006 in a very prominent location, and advertised heavily in the newspaper and on radio. For a few months they [I-Soldit Of Greenville] seemed to be selling roughly \$4000 in eBay merchandise a month. Even at an average 45% margin that would be net revenue of \$1800. The lease for the area that you see empty in the picture above is currently \$3410.60 a month w/ a 12 month minimum lease agreement. I-SoldIt was in business for about 6 months. The leasing company, Inland Atlantic Leasing, informed me that I-Soldit was paying the same thing and was in fact still paying on the lease until the space is taken by a new business.



So, in the case of I-SoldIt, just to make building lease payments they would have to have revenue of \$7000.00 and net \$3500. This doesn't include utilities, advertsing, and personal income. With net being roughly \$2000.00 ... you can see why they went out of business.

According to [this website](#) that discusses failed eBay dropoffs - such a store (an eBay dropoff) must sell roughly \$35,000 a month in eBay merchandise just to break even. This comes to roughly \$17,000 net. But after taxes and other expenses [franchise fees, etc etc] ... the true "profit" is unknown.

Upon interviewing neighboring businesses to the I-SoldIt location the following came to my attention:

- People were walking in daily (to neighboring businesses) inquiring about their merchandise or money.
- The phone number for the business is invalid with no forwarding number. (call it yourself - it was left in my friend's negative feedback)
- I-SoldIt Greenville has not listed items on eBay in 68 days from the publishing of this article.
- It has come to my attention that eBay has sent "cease & desist" notices to eBay dropoff franchises and about to send them to independents as well concerning signage and naming of businesses with the "eBay name" - In other words - "iSoldit On eBay" is no longer allowed as you see in the picture above

If you are a customer of iSoldIt Greenville and need information concerning your eBay transactions with them, please contact me by leaving a note within the comments associated with this post.

* edited for grammar

* Note about "eBay" in logo and signage added

posted by fixyourthinking @ 9:47 AM

[2 comments](#) [links to this post](#)

2 Comments:

At [Tuesday, October 24, 2006 11:07:00 PM](#), [fixyourthinking](#) said...

I found their negative comments. This is pretty telling:

In each of these instances feedback was retaliated with a negative from I Sold It:

Trident Fusion Green
Apple 12 Packs
Cadbury Adams
Best Price \$9.99
or Buy New \$9.99
[Buy from amazon.com](#)
[Privacy Information](#)

No image available
[Privacy Information](#)

Macintosh Yankee Candle
22 oz
Yankee Candles
Best Price \$22.99
or Buy New
[Buy from amazon.com](#)
[Privacy Information](#)

Pirates of Silicon Valley
Anthony Michael Ha...
Best Price \$11.99
or Buy New \$14.49
[Buy from amazon.com](#)
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Lesson learned. Read more carefully before bidding to avoid high s&h shock.

Aug-18-06 11:59

beware of the shipping by this company they over charge big time

Aug-16-06 14:33

Overpriced shipping + minimal listing & email info. Shipped quick & as promised.

Aug-16-06 12:48

fast delivery, very expensive shipping

Jul-27-06 19:18

fast delivery, very expensive shipping

Jul-27-06 19:17

The shipping & handling charges weere ridiculously excessive - No more business

Jul-21-06 13:49

heck no,7 dollars for media shiping and 11 for priorty that is messed up

Jul-16-06 09:36

Not only was the shipping cost nearly as much as the item, but ad said Cybersonic

Jul-12-06 00:07 (mentioned here)

Very very bad experience; seller rude and unprofessional, HIGH local pickup fee

Follow-up by [buyer]: Owner keeps DOG in store, item was by dog cage. not nacked--I paid \$7 for this??



Catch Me If You Can
Frank Abagnale Jr....
Best Price \$2.79
or Buy New \$9.98

Buy from amazon.com

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Forbidden Planet
Walter Pidgeon, Jr....
Best Price \$19.97
or Buy New

Buy from amazon.com

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The Shawshank Redemption
Tim Robbins, Morga...
Best Price \$5.99
or Buy New \$12.99

Buy from amazon.com

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Jul-11-06 20:00

I gave payment same day 6/28. Exteremly high S+H and said to arrive 7/12

Jul-07-06 14:15

good product but i don't understand why i had to pay 5 bucks to pick it up. LAME

Jul-7-06 09:21

At Friday, December 01, 2006 10:42:00 AM, Anonymous said...

I too had a very bad experience with this very same ISOLDIT dealer. Very rude personel, incomplete merchandise, poorly run and organized. No consideration for a two long drives to pickup goods that were not in their possession and when they finally did get the item is was incomplete.

Still requiring a local pickup charge even though this particular item had been supposedly paid for in full, in advance through Paypal.

In order to take possesion of the item the buyers had to sign a document stating that they were completely satisfied with the transaction, the Franchise, the terms, the equipement (In my case) and agree to leave positive feedback on ebay.

This was the straw that broke the camels back for me. I told them to shove it, and demanded a full refund. I was told it would take 2 to 3 weeks to refund back to my paypal account.

I did get my refund about 4 or 5 days later. They did not feedback me (knew better) and I did not feedback them (until now).

I'm glad they closed down, hope they lost a bunch of money.

[Post a Comment](#)

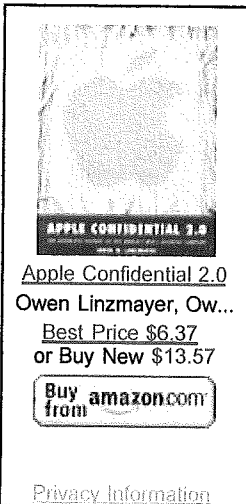


iLife

Apple iLife '06
Apple Computer
Best Price \$69.99
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Owen Linzmayer, Ow...
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The Giving Tree
Shel Silverstein
Best Price \$4.50
or Buy New \$10.70

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● Left - FB. Even after winning SOLD AS-IS paypal dispute. We stand by our auction
Reply by n3men: Item not as described. THEIR error. Refused to rectify. PayPal dispute. I won!

Seller [bidzrk102](#) (2007 ★)

Nov-28-08 09:07 228036877525

Nov-28-08 13:55

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

BIDZIRK, LLC, DANIEL G. SCHMIDT,)
III, and JILL PATTERSON,)

Plaintiffs,)

v.)

Civil Action No. 6:06-CV-00109-HMH

PHILIP J. SMITH,)

Defendant.)

REQUESTS FOR ADMISSION

COMES NOW BidZirk, LLC ("BidZirk"), Plaintiff in the above-captioned action and, pursuant to Fed. R. Civ. P. 36, propounds these requests for admission to Defendant:

1.

Admit that you initiated business dealings with BidZirk in order that BidZirk would administer auctions of computer equipment on eBay.

*Admitted but not just
computer equipment*

2.

Admit that you did not intend at the outset of your business dealings with BidZirk to post information on your blog concerning online auction listing companies.

Admitted
I did not intend to nor did I harm Bidzirk in any way

Admit that you consigned numerous items with BidZirk in an effort to sell a large inventory of computer equipment.

Admitted

4.

Admit that BidZirk paid you all monies which were due and owing as a result of completed auctions administered by BidZirk.

Denied - Bidzirk got far below average eBay selling prices. Bidzirk accounting shorted me \$500. Bidzirk left 1000+ items unsold that were consigned to them. Bidzirk splits were sometimes above contract of 35%

5.

Admit that you publish a web log (or "blog") at www.jackwhispers.blogspot.com which is currently titled www.fixyourthinking.com.

Admitted

6.

Admit that your blog includes numerous references to and advertisements for goods and services, and that these advertisements, when "clicked" by a visitor to your blog, send the visitor to a website specifically promoting the advertised good or service.

Admitted

7.

Admit that beginning in December 2005, you promoted a pending series of blog postings concerning online auction listing companies.

Admitted

8.

Admit that you published a four-part posting (the "posting") on your blog titled "You Gotta be Berserk to use an eBay Listing Company! "

Admitted

9.

Admit that your purpose in publishing the posting was to injure and defame BidZirk and its principals.

Denied

10.

Admit that you defamed Daniel Schmidt in the posting.

11. Denied

Admit that BidZirk was damaged by the posting.

12.

Denied / Bidzirk is doing better than ever and seems to have taken notice of my suggestions

for a payment of \$500.

Denied - this is a unethical manipulation of a good faith effort on my part.

13.

Admit that you reposted BidZirk's logo on your blog on December 29, 2005.

Admitted

14.

Admit that you included a link to a story referencing Mr. Schmidt's and Ms. Patterson's marriage in your article, which included a photographic depiction of the likenesses of Mr. Schmidt and Ms. Patterson.

Linked - this link is also made on the Bidzirk website

15.

Admit that you did not have the permission of Jill Patterson or Daniel Schmidt to link the posting to a photograph depicting them.

Greenville Journal provides this permission ... linking is not on a request basis.

16.

Admit that you have posted, and continue to post, BidZirk's logo and trademarks on your blog.

Admitted but allowed under Lanham Act

17.

Admit that you received actual notice of BidZirk's claim of ownership and exclusive rights to the use of its trademarks, and thereafter have persisted in using BidZirk's trademarks on your blog, without the permission or consent of BidZirk.

Bidzirk consent is not required

18.

Admit that BidZirk is the only eBay listing company mentioned by name in the posting.

Specifically yes, categorically no

19.

Admit that you listed BidZirk on www.ripoffreport.com, claiming that BidZirk paid you less for auctioned items than you were due.

Admitted Bidzirk failed to produce as promised and advertised on their website.

20.

Admit that you publish a website at www.kingkongwrong.blogspot.com that specifically protests against BidZirk and encourages others to do so.

Admitted ↗

21.

↖ Denied

Admit that you posted and continue to post an item on your blog at www.fixyourthinking.com that alleges that BidZirk manipulated an internet search engine to exclude the posting from search results.

Admitted

22.

Admit that you posted and continue to post a link to the item referenced in Request No. 21 on your website at www.kingkongwrong.blogspot.com.

23.

Admitted.

Admit that you lodged a complaint concerning BidZirk with the South Carolina Better Business Bureau.

Yes, which Bidzirk counsel manipulated to be hidden due to litigation.

24.

Admit that you commenced publication of a separate blog at www.kingkongwrong.blogspot.com for the sole purpose of inciting protests against BidZirk.

Denied (under line)

25.

Admit that you asserted counterclaims in this action for "causes of action" including tax fraud, breach of contract, and harassment.

Admitted

26.

Admit that you issued ~~threats~~ to BidZirk and its counsel to involve the district attorney in some form of prosecution of BidZirk and its principals.

Admitted without the term "threat"

27.

Admit that you issued threats to picket BidZirk's store locations.

Denied... it was not a threat. Admitted to protest plans

28.

Admit that you believe yourself to be a person of superior intelligence.

My IQ is 156. The average is 110

29.

Admit that you believe yourself to be a person of superior writing ability.

30. Admitted.

Admit that you believe that BidZirk should not be in business.

This 28th day of July, 2006.

Denied... with the proper management and staff competence I feel Bidzirk would make a great business and I sincerely hope Bidzirk can find a way to prosper.



KEVIN M. ELWELL

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kmelwell@kmelwell.com

Attorneys for Plaintiffs BidZirk, LLC,
Daniel G. Schmidt, III and Jill Patterson

This 28th day of July, 2006.

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